

# **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

ABBOTT GMBH & CO., KG, ABBOTT	)	
BIORESEARCH CENTER, INC., ABBOTT	)	<b>C.A. No. 4:09-CV-11340 (FDS)</b>
BIOTECHNOLOGY, LTD.	)	
	)	
Plaintiffs,	)	<b>JURY TRIAL DEMANDED</b>
	)	
v.	)	
	)	
CENTOCOR ORTHO BIOTECH, INC.,	)	
CENTOCOR BIOLOGICS, LLC.	)	
	)	
Defendants.	)	
	)	
	)	
	)	

**Plaintiffs' Proposed Voir Dire Questions**

### **Description of Case**

As I have indicated, the case on which you have been called to sit as jurors is a civil case.

The plaintiff—the person who brought the lawsuit—is Abbott GmbH & Co., KG, Abbott Bioresearch Center, Inc., Abbott Biotechnology, Ltd. (collectively, “Abbott”).

The defendant is Centocor Ortho Biotech, Inc. and Centocor Biologics, LLC (collectively, “Centocor”).

[CASE DESCRIPTION: This is a patent dispute involving a pharmaceutical product. There is no dispute that the IL-12 antibody, manufactured and sold by Defendants Centocor, infringes the asserted claims of Plaintiff Abbott’s U.S. Patent No. 6,914,128 (the “‘128 patent”) and U.S. Patent No. 7,504,485 (the “‘485 patent”). Centocor, however, alleges that the asserted claims of Abbott’s ‘128 and ‘485 patents are not valid. Centocor is owned by parent company Johnson & Johnson; Abbott is owned by parent company Abbott Laboratories.

Abbott’s patents describe and claim antibodies that neutralize a naturally-occurring protein in the human body called interleukin-12 (“IL-12”). IL-12 typically helps regulate the immune system and is involved in the inflammation response to infection or damage to the body. In some individuals, however, IL-12 is overproduced. Overproduction of IL-12 can lead to a malfunctioning immune system that attacks the body’s cells and tissues, and can lead to a number of disorders, such as psoriasis. Psoriasis is an autoimmune disease in which skin cells multiply faster than the normal rate. One way of treating such diseases is by inhibiting or blocking the effects of IL-12 through the use of antibodies that bind to and neutralize IL-12.]

Those of you who are selected to serve on the jury will, of course, hear each side's more detailed version of the case in the course of the trial.

### **Introduction of Counsel and Parties**

I would like counsel to introduce themselves and their clients.

[Counsel introduce selves and client]

Attorneys \_\_\_\_\_ of the law firm of \_\_\_\_\_ in the city of \_\_\_\_\_ represent the plaintiff.

Attorneys \_\_\_\_\_ of the law firm of \_\_\_\_\_ in the city of \_\_\_\_\_ represent the defendant.

Do you know, or are you related to or acquainted with [attorneys]?

Is any member of your family or any close friend related to, or acquainted with [attorneys]?

Have you, or any member of your family, or any of your close friends, ever worked for any of the lawyers, or their law offices, or had any dealings with them?

Have you ever been employed by, done work for, or had any business or other dealings with [plaintiff/defendant]?

Has any member of your family or any close friend ever been employed by, done work for, or had any business or other dealings with [plaintiff /defendant]?

Have you, or any member of your family, or any of your close friends, ever been involved in a lawsuit or other serious dispute with [plaintiff /defendant]?

### **Witnesses**

I am going to read a list of people who may be called as witnesses in this case. I don't expect that all of these people will actually be called, but I have asked the lawyers to give me a list of all potential witnesses and anyone whose name may come up in the trial. Listen carefully, because I'm going to ask you whether you know any of these people.

[List witnesses – name and address (city and state)]

Do you know or are you related to or acquainted with any of those people?

Is any member of your family or any close friend related to, or acquainted with, any of those people?

### **Hardship/Inconvenience**

Do any of you have any special disability or physical problem that would make serving as a member of the jury difficult or impossible, or might interfere with your service as a juror?

As I indicated, this case will probably take \_\_\_\_\_ to try. The normal trial day will be 9 o'clock to 1 o'clock. It is at least possible that we may have an afternoon session if we need to, in order to stay on track. I won't do that without checking with the jury first, to make sure everyone is available and that there will be no hardships. Also, once the jury begins to deliberate, it will meet for full days (from 9 to 5) until it reaches a verdict. It may not take that long, but the jury should be prepared to meet all day during deliberations.

Of course, anyone who serves on the jury will of course be inconvenienced to some extent. Do any of you have any unusual hardship caused by the trial schedule or the length of the trial?

**Knowledge of Dispute**

Have any of you heard or read anything about this case, in the newspapers, on the internet, or anywhere else?



**[Subject Matter of Suit]**

Have you had any experience with [subject matter of suit]?

Have you, a family member, or a close friend ever worked for a pharmaceutical company?<sup>1</sup>

Do you have any education, training or experience in the following fields?

- a. Nursing or Healthcare
- b. Medicine
- c. Biology/Chemistry
- d. Engineering
- e. Pharmaceutical Industry
- f. Dermatology

---

<sup>1</sup> The highlighting denotes questions Abbott submits for the Court's consideration if the Court rejects the parties' joint jury questionnaire. (D.I. 409.)

**Civil Justice System**

Do you have any strong feelings about the civil justice system, or lawsuits, or lawyers, that might interfere with or affect your ability to serve as a fair and impartial juror in this case?

**Political/Religious Beliefs**

Do you have any political, religious, or ethical beliefs that might interfere with or affect your ability to serve as a fair and impartial juror in this case? I do not want to know your politics or your religion or your personal beliefs—unless those beliefs could somehow interfere with your ability to follow the law, as I instruct you, and to render a fair verdict in this case.

**Catch-All**

Are you aware of any beliefs or feelings that would prevent you from completely and honestly applying the law, as I give it to you at the end of the case, to the facts as you find them?

Do you know of any reason that has not been mentioned why you cannot sit as a fair and impartial juror in the trial of this case?

[ask counsel whether they have objections or require additional questions]

### **Patents**

Have you, or any member of your family, or any of your close friends, ever had any significant experience with patents, such as developing an invention to be patented, applying for a patent, or working with patents at a job?

Have you, or any member of your family, or any of your close friends, ever had any dealings with the United States Patent and Trademark Office?

Have you, or any member of your family, or any of your close friends, ever sued someone or been sued about a patent?

Do you have any beliefs or feelings about patents, the patent system, or the enforcement of patents that might interfere with or affect your ability to serve as a fair and impartial juror in this case?

### Additional Questions

1. What is your occupation and employer?
2. How long have you worked there?
3. What is your spouse's name?
4. What is your spouse's occupation?
5. How long has your spouse worked there?
6. How many of you have children at home – under the age of 18?
7. Do any of you have adult children still living at home? If yes, what is their occupation?
8. In your job, do any of you supervise other people?
9. Have any of you ever served in the military?
10. Has anyone owned their own business?
11. Have you ever worked in a job where you dealt with contracts or negotiated deals? If yes, please explain.
12. Has anyone worked in research and development?
13. Have you ever worked for a company that had patents or other intellectual property rights?
14. Have you ever had the experience of someone taking or using an idea of yours without permission?
15. Have you ever been wrongfully accused of taking the idea of another?
16. Have you or someone very close to you ever suffered from psoriasis?
17. Have you or someone very close to you ever taken any of the following drugs:
  - a. Humira
  - b. Stelara
  - c. Remicade
  - d. Enbrel

e. Amevive

f. Simponi

18. Do you take prescription drugs on a daily basis?

19. Have you or a family member ever been a plaintiff in a lawsuit? If yes, please provide details about the parties involved and the final resolution.

20. Have you or a family member ever been a defendant in a lawsuit? If yes, please provide details about the parties involved and the final resolution.

21. Have you ever been on a jury? If yes, was it in a civil or criminal case? Were you the foreperson?

Dated: August 29, 2012

Respectfully Submitted,

/s/ Robert J. Gunther, Jr.

---

Robert J. Gunther, Jr. (admitted *pro hac vice*)  
Jane M. Love (admitted *pro hac vice*)  
Anne-Marie Yvon (admitted *pro hac vice*)  
Violetta G. Watson (admitted *pro hac vice*)  
Paula Estrada de Martin (admitted *pro hac vice*)  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
7 World Trade Center  
New York, New York 10007  
Tel: (212) 230-8800  
Fax: (212) 230-8888

William F. Lee (BBO #291960)  
Anne M. McLaughlin (BBO # 666081)  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
60 State Street  
Boston, Massachusetts 02109  
Tel: (617) 526-6000  
Fax: (617) 526-5000

William G. McElwain (BBO # 332510)  
Amy K. Wigmore (admitted *pro hac vice*)  
Amanda L. Major (admitted *pro hac vice*)  
Jacob S. Oyloe (admitted *pro hac vice*)  
Rachel L. Weiner (admitted *pro hac vice*)  
WILMER CUTLER PICKERING  
HALE and DORR LLP  
1875 Pennsylvania Avenue, NW  
Washington, DC 20006  
Tel: (202) 663-6000  
Fax: (202) 663-6363



William W. Kim (admitted *pro hac vice*)  
Arthur W. Coviello (admitted *pro hac vice*)  
WILMER CUTLER PICKERING  
HALE and DORR LLP  
950 Page Mill Road  
Palo Alto, California 94304  
Tel: (650) 858-6000  
Fax: (650) 858-6100

*Attorneys for Abbott GmbH & Co., KG,  
Abbott Bioresearch Center, Inc., and  
Abbott Biotechnology, Ltd.*